

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

STATE OF MISSOURI, EX REL., ALEXANDER & LINDSEY, LLC.,

Appellant

v.

THE PLANNING AND ZONING COMMISSION OF PLATTE COUNTY, MISSOURI, ET
AL.,

Respondent

DOCKET NUMBER WD73167

DATE: August 16, 2011

Appeal From:

Circuit Court of Platte County, MO
The Honorable Owens L. Hull, Jr., Judge

Appellate Judges:

Division Three
James Edward Welsh, P.J., James M. Smart, Jr., and Joseph M. Ellis, JJ.

Attorneys:

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Co-Counsel for Appellant
Co-Counsel for Appellant,

Attorneys:

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Counsel for Respondent

**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**STATE OF MISSOURI, EX REL., ALEXANDER &
LINDSEY, LLC., Appellant, v. THE PLANNING AND
ZONING COMMISSION OF PLATTE COUNTY,
MISSOURI, ET AL., Respondent**

WD73167

Platte County

Before Division Three Judges: Welsh, P.J., Smart, and Ellis, JJ.

Alexander & Lindsey, LLC, (Alexander) appeals the circuit court's judgment that upheld the decision of the County Commission of Platte County, Missouri, denying approval of Alexander's preliminary plat for a subdivision known as Beverly Plaza. Alexander contends that, because the preliminary plat met all of the requirements of Platte County's Subdivision Regulations, the County Commission's decision to deny the preliminary plat was arbitrary, unlawful, and not based upon substantial and competent evidence.

REVERSED AND REMANDED.

Division Three holds:

The exercise of discretion and judgment vested in the County Commission is to determine whether the preliminary plat meets the County's subdivision regulations, and the County Commission does not have the authority to deny a subdivision plat that complies with the County's subdivision regulations. Because Alexander's preliminary plat met the requirements of the Subdivision Regulations, the County Commission's decision denying the preliminary plat was arbitrary. We, therefore, reverse the circuit court's judgment that the County Commission's decision was based upon substantial and competent evidence and was within the scope of the Subdivision Regulations, and we remand to the circuit court for it to enter an order requiring that Alexander's preliminary plat be approved.

Opinion by James Edward Welsh, Presiding Judge

August 16, 2011

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